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THE MANORIAL SYSTEM AND THE FRENCH REVOLUTION

I. RECENT PUBLICATIONS

“IT is the play of economic interests, of social forces,” M. Jaures has said,¹ “which determines the movement of history and which gives it a meaning.” On this basis the history of the French Revolution, like most other history, is being rewritten;² and no aspect of it has come into greater prominence than the economic condition of the peasantry—the manorial system and the circumstances attending its overthrow. The recent publication of valuable documents, of numerous monographs and magazine articles suggests the pertinence of reviewing the conclusions which have been reached on this subject and the points upon which the writers still disagree.

A word may be said, first of all, as to the sources from which our new light comes. Anyone who has been accustomed to refer to Taine or Louis Blanc or Carlyle for information on such economic questions will realize, when he has looked over the materials now at our command, how great our obligations are to the laborious researches of the new historical school. The French government has long been active in the publication of historical material. Its *Comité des travaux historiques et scientifiques* has for years done notable service; and in December, 1903, the minister of public instruction appointed a commission which should supervise the printing of documents relative to the economic phases of the Revolution.³ The chairman of that commission is M. Jean Jaurès, to whose initiative its formation was due; and it includes forty-four members, men like MM. Esmein, Levasseur, Sagnac and Seignobos, whose names are familiar to American students. Twenty-three works are completed or in preparation.

One of the most notable of these has just appeared under the title *Les Comités des droits féodaux et de législation et l'abolition du régime seigneurial, 1789-1793*.⁴ In this bulky volume MM. Sagnac and Caron have included about one-twelfth of the documents which passed

¹ *La Révolution française*, XLVI, 452.

² For recent developments in the literature on this subject see an article by J. H. Robinson in the *American Historical Review*, April, 1906.

³ For details regarding the commission see P. Caron in *Revue d'histoire moderne et contemporaine*, VIII, 545-549.

⁴ Paris, 1907.

through the hands of the committees mentioned in the title. These have been divided chronologically into three groups, relating to the most important legislation of 1789, 1790 and 1792, and at the same time they have been classified methodically under such headings as *mainmorte*, *domaine congéable*, *corvée*. By way of further assistance to the reader, the editors have provided not only the usual table of contents but a list of the documents (giving date, title, source) and, finally, an alphabetical index.

It cannot be said, however, that this volume throws any new light on the difficult questions of the period. To historians the documents are not new. They were used freely by M. Karéïew in 1879 and by M. Sagnac in 1898. But to students and writers to whom the national archives are inaccessible the value of the work is great indeed. It gives striking indications of the temper with which the country received the decrees affecting manorial rights; some insight into the varying motives which led *seigneur* or *censitaire* to oppose them; and illustrations of the great practical difficulties, often on minute technical points, which stood in the way of legislation. The documents fall roughly into two classes: (1) those emanating from the committees, the decrees and the decisions on particular questions submitted for settlement, and (2) petitions and addresses, suggestions and complaints from manorial lords, peasants, officials, municipalities. Obviously there is some difference in their value. The former are most essential to a comprehension of the complicated character of the manorial legislation. They are pronouncements and applications of law. The latter are merely expressions of opinion. But because of the uniformity of tone of the various documents when compared, and because of the consistency of their evidence with the results of investigations among the administrative papers of *intendants*, in the *cahiers etc.*, we are justified in regarding them as one of the most trustworthy and important sources for the economic and social history of the period. As a complement to the *cahiers* of 1789—the statements of grievances which were compiled in all the parishes of France, recast in the electoral districts and sent to Versailles—they have a peculiar interest. When the *cahiers* were drawn up, the future must have looked to the peasant very uncertain. He feared that, if the lords came through triumphantly, indiscreet utterances would be visited with “incessant and odious revenge.” We hear, to use the expression of M. Brette, the voice of men who have struggled long, who have suffered long, but who cannot say all.¹ In the documents of the feudal committees, on

¹ *Révolution française*, LII, 467.

the other hand, the voice has gained the full note of confidence. No longer is the Revolution in doubt.

The commission has also undertaken to produce a full edition of the *cahiers*. It is true that seven volumes of the *Archives parlementaires* are devoted to them; but the editing was so careless that no serious work can be based upon them,¹ and the *cahiers* selected are for the most part those of the electoral districts, *i. e.*, those of the parishes and towns, in a revised, simplified and mutilated form. It has been estimated that a complete edition of the *cahiers* would fill more than a hundred quarto volumes instead of seven.² The task which the government commission has before it is a heavy one. So far, however, seven volumes have appeared, and these have justified in every way the high expectations which were entertained.³

The *cahiers* have suffered much from fetich worship. They have also had to stand against much hostile criticism. M. A. Wahl of Freiburg, a reactionary who shows no love for the Revolution, has attacked them at many points, but chiefly as interested exaggerations inspired by agitators whom he compares with the German social democrats of to-day. They made exceptions appear to be general rules, hoping that exaggeration of their miseries would bring more rapid and more complete relief.⁴ M. I. Loutchisky, whose method is statistical, discarded the *cahiers* in his work on small properties.⁵ Finding them inexact, lacking in precision, he preferred to use the official returns of assessors and taxgatherers. He seems to have erred in putting too much faith in the official seal. All the statistics of the old régime are disordered and unreliable,⁶ and fiscal documents may have taken a good deal of their color from carelessness as well as corruption. Although the scepticism of MM. Wahl, Loutchisky and others has had the salutary effect of inducing a more critical attitude toward the *cahiers*, they remain, as M. Sagnac said recently,⁷ "the most important and precious monument of our history and the most authentic testament of the old French society." But faith in them falls far short of super-

¹ A. Brette in *Révolution française*, XLVII, 26.

² *Ibid.*, p. 23.

³ These are the *cahiers* of the bailliage of Orleans, edited by C. Bloch in two volumes; of the sénéchaussée of Angoulême and the siège royal of Cognac, edited by P. Boissonnade; of the bailliage of Cotentin, edited by E. Bridrey; of the bailliage of Châlons-sur-Marne, edited by G. Laurent; of the Sénéchaussée of Marseille, edited by J. Fournier; and of the Sénéchaussée of Nîmes, edited by E. Bigny-Bondurand.

⁴ A. Onou in *Révolution française*, XLIX, 388 et seq.

⁵ *Ibid.*, XLII, 340; XLIX, 387.

⁶ *Ibid.*, XXXIV, 372; XLIX, 413.

⁷ *Revue d'histoire moderne*, VIII, 349.

stitution. "We do not have to use the *cahiers* as a sole source," says M. Sée, "nor even to consider them as the most certain source."¹ This dispassionate spirit animates most of the contemporary writers who have tried to reconstruct the economic life of the peasant during the Revolution.²

¹ *Révolution française*, XLVII, 46.

² As will be seen from Karéïew's article in *Révolution française*, XLII, 321 *et seq.*, Russian names are prominent among these writers. To the Russians is due, in great part, the honor of having recommended and followed the true historical method in this field, of having searched in the archives with laborious zeal for the traces of the social facts which they wished to describe. First upon the field was M. N. Karéïew, whose work, *Les Paysans et la question paysanne en France dans le dernier quart du XVIII^e siècle*, appearing in 1879, was translated from the Russian twenty years later. It was epitomized by A. Maury in the *Journal des savants*, July-Sept., 1880, and reviewed more recently in the *English Historical Review*, XVI, 178-182, and in the *Revue historique*, LXXXVI, 382-386. The book discusses exhaustively the position of the peasant under the manorial system and the effects of the revolutionary legislation. It can no longer be accepted as a guide, because our knowledge has been greatly extended during the last quarter of a century and some of the author's conclusions have been overthrown. But it still enjoys a degree of authority rarely accorded to a pioneer work. Another writer, M. Maxime Kovalevsky, who is best known for his five-volume work on the origins of modern democracy, has published several important articles in the *Revue internationale de sociologie*, IX, 489-514; XIII, 577-620 and 714-765. These articles deal with the economic and social condition of France on the eve of the Revolution. The work of M. Loutchisky has been confined to a narrower field, the investigation of the extent of peasant property. Of his latest book, dealing with the possessions of the peasants in France on the eve of the Revolution, principally in the Limousin (Kiev, 1905), M. Sagnac says: "It renews or rather creates the history of landed property in France in the eighteenth century." *Revue d'histoire moderne*, III, 171. This work has not been translated, but fortunately a long analysis appeared in *Revue d'histoire moderne*, III, 156-171. See also Loutchisky's *La Petite Propriété en France avant la Révolution* (1897) and his article in the *Revue historique*, LIX, 70-107. We should not forget M. A. Onou (formerly a pupil of Karéïew), who, in addition to his Russian work, has published an important article on the value of the *cahiers* in *Révolution française*, XLIX, 385-417.

The number of French writers is naturally large. Among them may be noticed: M. Jaurès, who has taken full advantage of special investigations and whose *Histoire socialiste* (reviewed by C. A. Beard in *POLITICAL SCIENCE QUARTERLY*, XXI, 111-120) has vindicated the right of economic questions to a commanding place in general history; M. Edme Champion, who has written an excellent little book on *La France d'après les cahiers de 1789* (Paris, 1897); M. Henri Sée, who has made an intimate study of *Les Classes rurales en Bretagne du XVI^e siècle à la Révolution* (1906), and who has published an article under the same title in the *Revue d'histoire moderne*, VI, 309-324, examined the Breton parish *cahiers* in *Révolution française*, XLVI, 487-513, and XLVII, 28-46, and explained the general significance of the manorial system in *Revue d'histoire moderne*, X, 173-191; M. C. Bloch, whose attention has been concentrated in a similar way on Orleans, and who has

II. THE MANORIAL SYSTEM IN 1789

The manorial system of the middle ages was part of the feudal system;¹ part, that is, of an organization which had government as its chief object. The feudal hierarchy, conducting the business of administration, justice and war, rested for support, as all governments must do, upon the mass of the people. It was the labor of the serf upon the landed estates of the governing class, the manors, that paid the expenses of government. And the serf, besides being bound to labor for his lord and make him certain payments in kind, was subject to numerous restrictions, such as being under the lord's jurisdiction and being unable to leave the manor or marry without his lord's consent.

Now in 1789 feudalism was not at all what it had been five hundred years before. The chief alteration lay in the supplanting of aristocratic by monarchic government. The king had steadily absorbed the political and judicial powers of the nobles and extended the imposition of royal taxes. The peasants therefore, besides supporting the church, found themselves subject to a double exploitation. They were supporting two governments: the actual, effective government of the king, levying its *taille*, its poll-tax and its twentieths, and the government *emeritus* of the feudal nobles who, having dropped out of politics, devoted themselves with great assiduity to social relaxations and collected *cens* and mutation fines as of old to pay for their dinners and their dances.

Viewed in this light, the situation of the peasant seems hard indeed, almost intolerable. But in certain important respects the relations between manorial lord and serf had been greatly modified. As M. Kovalewsky has shown, the money payments into which the labor dues had been commuted (especially in the north),² had steadily declined in value while the revenues from the peasant's holdings had risen.³

edited the cahiers of the bailliage of Orleans and published an article on the division of landed property in the *Revue d'histoire moderne*, II, 246-267; M. Paul Viollet, who contributed to the Cambridge Modern History, vol. viii, a useful chapter on French law; M. Ph. Sagnac, in whose *Législation civile de la Révolution française* will be found the most authoritative account of the abolition of the manorial system (see also his article on the division of the soil during the Revolution in *Revue d'histoire moderne*, V, 457-470, and the edition of the cahiers of Flandre Maritime which he published with Saint-Leger in 1906); and MM. Aulard, Brette and Caron, who are regular contributors to the historical reviews.

¹ Sée, almost alone among the French writers, makes the distinction between *féodal* and *domanial*; *Séances et travaux de l'Académie des Sciences*, CLI, 508.

² Kovalewsky, *Revue internationale de sociologie*, IX, 500; Sée, *Revue d'histoire moderne*, VI, 314, and X, 176.

³ Kovalewsky, *loc. cit.* and p. 496.

Again, the *cens* which he paid annually was indistinguishable from the ordinary rents, except in origin; and on the fourth of August not a voice was raised in favor of confiscation, not even on the extreme Left where sat Pétion and Robespierre. Finally, the serf had almost everywhere emancipated himself from those obnoxious and humiliating obligations which were the distinguishing mark of serfdom. He was now a *censitaire*, a *métayer*, not a serf.

Yet serfs of a kind still remained, chiefly in Nivernois, Bourbonnais and the eastern provinces which had been acquired by conquest.¹ They numbered perhaps 300,000. What their circumstances were it is not easy to determine; to define their legal status would be a perilous enterprise for any writer. The infinite varieties of servile condition puzzled the ablest contemporaries. Montesquieu, in defining the two kinds of servitude, real mortmain and personal mortmain, thought that the first bound the peasant to the land, the second to the person of his lord.² This is corrected by M. Karéïew.³ The peasant subject to personal mortmain was bound to the soil, unable to leave it or become free; real mortmain, by far the more common variety, affected the peasant only while he held the land and did not prevent his leaving it.⁴ Personal mortmain was comparatively rare. Rare also was the right of *formariage* which made marriages between persons of different manors depend on the consent of their lords.⁵ A form of serfdom which did not, as a rule, bind the peasant to the soil or limit freedom of marriage was not the serfdom of the middle ages. It was serfdom on its way to extinction. There appears to have been at this time only one test of servile status capable of a general application—the absence of property right in the land.⁶ The serf could neither alienate nor sell his holding; and if direct heirs failed or even if his children did not live with him, the holding reverted to the lord.⁷ “By 1789, in most cases,” says M. Viollet,⁸ “the question whether a man was a serf or a freeman was of much more importance to his heirs than to himself.”

Although this modified serfdom was for the most part localized in eastern France and existed entirely as an exception, it does not follow

¹ Sagnac, *Législation civile*, p. 60; Champion, *La France d'après les cahiers*, chap. x; Karéïew, pp. 19-24. See also Sée, *Les Classes rurales en Bretagne*, p. 22.

² *Esprit des lois*, livre xv, chap. 10.

³ Karéïew, p. 20.

⁴ The two groups insensibly shaded into each other. Karéïew, p. 24.

⁵ Sée, *Séances et travaux de l'Académie*, CLI, 512; Karéïew, p. 25.

⁶ Sée, *loc. cit.*; Karéïew, p. 22.

⁷ Sée, *loc. cit.*

⁸ *Cambridge Modern History*, VIII, 714.

that the prevalent tenure was freehold. There were some allodial properties; M. Kovalewsky has proved it from administrative correspondence, the debates of the provincial assemblies and the rural *cahiers*; ¹ but when M. Jaurès says ² that there existed already "innumerable agricultural properties exempt from all feudal right," he is not in line with the specialist authorities. Freehold, like servile tenure, was only an exception. ³ The fact is that, while the peasants had freed their persons and acquired a qualified right of property in the land, the land was still weighted with manorial rights and charges. The jurists recognized a double proprietorship. According to them there could be no land without a lord. ⁴ The lord, once full proprietor as against the serfs, still retained the *domaine direct*, by virtue of which he received certain payments in kind and in money. The peasant, on the other hand, having acquired a prescriptive right to his little plot of land, ⁵ enjoyed the usufruct, the *domaine utile*. ⁶ The jurists regarded him as a proprietor; and it is in this qualified sense that Arthur Young and de Tocqueville refer to the great number of peasant proprietors.

Regarding this matter of small peasant holdings there has been much investigation. Tocqueville, who bases his conclusions on the returns of the land-tax, was the first to maintain that the diffusion of property among the peasants was almost as great before the Revolution as after it. ⁷ Today this view seems to be firmly established. "Most of the peasants are small proprietors," says M. Sée, who is writing of Brittany. ⁸ M. Bloch, speaking of Orleans, ⁹ and M. Loutchisky, speaking of the Limousin villages, ¹⁰ hold very much the same opinion. When men of such eminence in this field as MM. Sagnac, ¹¹ Sée, ¹² Bloch and Loutchisky are of one mind, we need not hesitate to follow them. M. Karéiew has made his submission; and though his book remains unchanged, a recantation will be found in the preface to the French edition. ¹³ Against this formidable weight of opinion MM. Champion and Kovalewsky stand out practically alone. The latter condemns, and with some force, the evidence on which Loutchisky bases his estimate of five million proprietors. ¹⁴ M. Champion tries to prove the insignificance

¹ *Revue internationale de sociologie*, XIII, 714, 715. ² *Histoire socialiste*, I, 19.

³ Sagnac, p. 59; Karéiew, p. 33.

⁴ Karéiew, p. 35.

⁵ Sée, *Séances et travaux de l'Académie*, CLI, 512.

⁶ Viollet, in *Cambridge Modern History*, VIII, 718, 719.

⁷ *L'Ancien Régime*, livre II, chap. I.

⁸ *Revue d'histoire moderne*, VI, 313.

⁹ *Ibid.*, II, 266.

¹⁰ *Ibid.*, III, 165.

¹¹ *La Législation civile*, p. 58.

¹² *Révolution française*, LI, 370.

¹³ Karéiew, p. x.

¹⁴ *Revue internationale de sociologie*, XIII, 740.

of peasant property from an examination of the *cahiers*.¹ If there were many small proprietors, he says, where were their lands? And he proceeds to show that in many cases the lord held from one-third to one-half of the land; in "not a few" cases almost all of it. But this argument, even if the evidence which supports it had not been attacked by M. Loutchisky,² merely shows that the average peasant did not hold *much* land. And to assert that most of the peasants were proprietors³ does not necessarily imply that they held most of the land. It does not imply that M. Kovalewsky is wrong when he says: "We give up all effort to determine, even approximately, the extent of the small rural property before the Revolution, and we continue to maintain that the greater part of the lands were held as property by the privileged orders and the bourgeoisie of the towns."⁴ In fact, the peasant's holding was small, sometimes ridiculously small, perhaps little more than the cottage itself.⁵ The result was that the *censitaire* had to supplement the revenue of his land by becoming either a *métayer* or a day-laborer.⁷ By the system of *métayage* the lord received usually a half, sometimes a third or a fourth, of the harvest.⁸ It was so prevalent that Karéïew calls it "the type of the tenure of land by the French peasant." With the growth of large farming the demand for day-laborers increased. They numbered, says M. Sée,⁹ a quarter or a fifth of the rural population and were the most wretched class. According to M. Sagnac¹⁰ they were unemployed for a third of the year. *C'est la misère*. To sum up, the peasant proprietor, often a *métayer* or a day-laborer as well, was possessed of a holding usually small in extent and weighted with manorial rights.

Only a vague indication of these rights can be given here.¹¹ A closer examination would reveal the most amazing complexities and diversity—

¹ La France d'après les cahiers de 1789, chap. x.

² *Revue d'histoire moderne*, III, 158.

³ M. Champion gives some direct evidence as to the number of proprietors.

⁴ *Revue internationale de sociologie*, XIII, 746.

⁵ Loutchisky finds that the peasants in the Limousin held half the land (*Revue d'histoire moderne*, III, 160-163); in Laonnais only 30 per cent of it (*Revue historique*, LXVI, 410).

⁶ Loutchisky, *loc. cit.*, p. 165; Karéïew, p. 532; Sée, *Revue d'histoire moderne*, VI, 613.

⁷ *Révolution française*, LI, 371.

⁸ Sagnac, pp. 60, 61; Karéïew, pp. 212-214.

⁹ *Revue d'histoire moderne*, VI, 319.

¹⁰ Sagnac, p. 61.

¹¹ For a summary of manorial rights see Fletcher's Carlyle, I, 274-276, and the appendix to de Tocqueville.

variations according to the part of the country, north or south, according to the province, even according to the district. They confused the jurists, and the jurists confuse us.¹ Avoiding complicated details, we may take first the *cens*, a kind of perpetual quit-rent. In the north it was usually a money-payment, much reduced by the depreciation of the precious metals;² in the south, where the peasant could command little money, it was usually a payment in kind, known as *champart*, *terrage*, etc.³ The *cens* proper was so light that it evoked little complaint in 1789. Not so the *champart*.⁴ According to locality it varied from one-sixteenth to one-sixth of the harvest.⁵ The peasant found it particularly obnoxious because he could not change the method of cultivation,⁶ because he must notify his lord twenty-four hours before the harvest and must often deliver what was due to the manorial barn. Besides this annual payment, the *censitaire* was subject to casual dues: the *corvée* or forced labor, which M. Karéiew puts at five to twelve days a year,⁷ and the *lods et ventes* or mutation fines paid to the lord when the land was sold. The latter, though amounting to only a twelfth in Canada,⁸ were usually, according to M. Sée, an eighth of the sale-price,⁹ according to M. Jaurès between a fifth and a sixth.¹⁰ It was hateful to the English settlers in Canada as a tax upon improvements; and for the same reason we find the peasants of St. Maurice-sur-Fessard terming it "an old custom, barbarous and absolutely opposed to the rights of man." They picture the *seigneur* gazing greedily upon his tenant's new buildings and saying: "One day I will have the sixth part of the value of all these fine things."¹¹

The peasants were irritated by *champart* and *corvée*, but far more by the monopolies, fruitful source of abuse and petty oppression. Ancient tolls were collected where the road was no longer repaired and where the bridge was falling into decay.¹² From the dovecotes hundreds of pigeons invaded the fields of grain;¹³ from the warrens came innumerable rabbits; and the peasant could not lift a hand against them.

¹ Sée, *Revue historique*, LXXXVI, 383.

² Sée, *Revue d'histoire moderne*, X, 176.

³ Kovalewsky, *Revue internationale de sociologie*, IX, 491.

⁴ *Ibid.*, p. 512; Champion, p. 142; Karéiew, p. 56.

⁵ Sée, *Revue d'histoire moderne*, X, 176.

⁶ Karéiew, p. 55.

⁷ *Ibid.*, p. 27.

⁸ Parkman, *The Old Régime*, p. 520.

⁹ *Revue d'histoire moderne*, VI, 314.

¹⁰ Jaurès, I, 14.

¹¹ Sagnac and Caron, *Les Comités des droits féodaux*, p. 421.

¹² Sée, in *Révolution française*, XLVI, 509.

¹³ *Ibid.*, 512.

His grapes he must bring to the lord's press, his grain to the lord's mill, his flour to the lord's oven.¹ The millers, rapacious and dishonest, adulterated the flour with lime and sometimes took an eighth or a quarter instead of the sixteenth they were supposed to take.² Still more hateful were the hunting rights.³ Some *cahiers* are devoted almost wholly to complaints against these. M. Champion quotes that of Colombes: "One will not be surprised to hear all the inhabitants of a parish say that the chase is the cause of their ruin. . . . Not only does it destroy the harvests, but it makes the cultivators slaves." The peasant could not have a gun or interfere with the game in any way. He was helpless when the hunt passed through the sown fields and destroyed the crops. The reporter of the Constituent declared that the chase robbed the peasants of ten million francs every year.⁴

Another of the manorial rights was justice, sole relic of the political power of the aristocracy.⁵ This right had been much narrowed. The royal power had steadily encroached, placing restrictions upon the appointment of judges, increasing the subjects of appeal to its own courts. But while sweeping away whatever impeded its own freedom of action it had not been animated by any unselfish concern for the relief of the peasants. Thus the manorial courts still asserted jurisdiction in cases affecting the lord's rights, still gave the lord indirectly the position of judge in cases affecting his own interests. Too often the judge may have allowed his appetite to govern his application of the law; he knew which table offered him the best dinner, which cellar held the oldest vintage.⁶ Justice, according to the *cahier* of Rennes,⁷ was "the chief instrument of seigniorial despotism."

From such close examinations of the parish *cahiers* as M. Henri Sée has made for Brittany it becomes evident that the peasants complained less of the manorial rights than of the abuses of them.⁸ "The fiscal zeal of the lords," says M. Sagnac,⁹ "is intensified before dying." There is no doubt that the reign of Louis XVI saw what we may call a manorial reaction.¹⁰ "Under pretext of rights, perhaps legitimate in

¹ For a defence of the baking monopoly, see Sagnac and Caron, p. 421.

² Champion, p. 144; Sée, in *Révolution française*, XLVI, 511. ³ *Ibid.*, 512.

⁴ Jaurès, *Histoire socialiste*, I, 18.

⁵ *Ibid.*, p. 13; Sée, in *Révolution française*, XLVII, 33, and in *Revue d'histoire moderne*, VI, 315. ⁶ *Révolution française*, XLVII, 35. ⁷ *Ibid.*, p. 34.

⁸ *Ibid.*, XLVI, 509, and XLVII, 45.

⁹ Sagnac, p. 65.

¹⁰ Kovalewsky, *Revue internationale de sociologie*, IX, 496, and XIII, 748; Champion, p. 154; Karéw, pp. 96, 531; Sagnac and Caron, p. 424; Sée, *Revue d'histoire moderne*, X, 184-191.

their origin, the lords and their agents accumulated impudent frauds, exercised a heavy oppression; and the passing delirium, of which they were the victims, was provoked by an interminable series of iniquities."¹ After a century and a half of relaxation a new policy had manifested itself. On the one hand old rights were enforced with a new strictness—the manorial rolls revised, arrears collected unmercifully. On the other hand new pretensions were advanced; the *corvées* were extended, forest rights withdrawn, the commons usurped. The manorial system, moribund though it was, seemed to stiffen defiantly before the spread of hostile ideas. But the enclosure of forest and commons, the breaking-up of the domain into farm lots, has a special explanation. It was due, M. Kovalewsky informs us,² to the lord's desire to take advantage of the progressive rise of land values; for the *cens*, where it took the form of a money payment, had long ceased to represent the value of the land. The protests against this new policy remind us of the sixteenth century in England. "They take away from the class which has greatest need what constituted its sole resource," says the *cahier* of La Ferrière Bochart. M. Kovalewsky presents tersely the concatenation of evils which resulted: lack of commons led to lack of cattle, lack of cattle led to lack of manure, lack of manure led to bad harvests.³ "To some parishes nothing is more precious than pasturage," say the peasants of Cheffes;⁴ and they proceed to tell how they had enjoyed common rights "from the beginning of the world up to 1774, when they were deprived of them by a decree of the council issued for the benefit of the lords of Cheffes, which decree was absolutely opposed to their titles."

What were the circumstances of the peasant when the Revolution came? "There is no one who does not admit that the nation was prepared for the Revolution by the consciousness of ills much more than by the progress of enlightenment." These words of Mirabeau are placed upon the title page of M. Champion's work. They would be equally applicable to the work of M. Karéw, who pictures the situation of the peasant in very somber colors. The peasant, he reminds us,⁵ was subject to a three-fold exploitation, by church, government and lord, by tithes, imposts and manorial dues; and these dues, aggravated towards 1789, brought him to "a veritable ruin."⁶ Although it is impossible to determine exactly what part remained to the peasant after

¹ Champion, p. 154.

² *Revue internationale de sociologie*, IX, 496.

³ *Ibid.*, p. 508.

⁴ Sagnac and Caron, p. 142.

⁵ Karéw, p. 532.

⁶ *Ibid.*, p. 530.

the discharge of his obligations, Karéiew holds that there is evidence to show how very small that part was.¹ Does not the *cahier* of Nemours say that the revenue was sometimes insufficient to make all payments? Do not the parishioners of Saint-Evremond-de-la-Barre complain that "the little revenue that our work and our land brings us hardly suffices to pay imposts and rents?"² And is not Taine able to say that there was nothing left at all? Oppressed by such onerous charges, robbed of his commons rights and therefore deprived of his cattle, the peasant often abandoned his land, let it fall out of cultivation,³ and emigrated to towns already swarming with beggars. For those who stuck to the soil the hardships were unutterable. So grievous were the burdens, so bad the cultivation, that wheat failed and years of famine became more frequent.⁴ The *métayer* had to borrow grain for seed and sustenance until harvest time.⁵ "Want of wheat became a general rule for the peasant."⁶ There were these strange anomalies: wheat failing, yet much land out of cultivation; labor failing, yet town and country filled with begging vagabonds; those who raised wheat having to borrow wheat to keep alive! Reading this, we wonder that the twenty-five millions lived to see the gracious Revolution.

Much that M. Karéiew says is confirmed by other writers of authority. "Misery reigns in most villages . . . Those who remain in the country live for the most part in penury," says M. Sagnac.⁷ M. Sée believes that the peasants were "still" very miserable, that often a third of them were reduced to begging.⁸ "Their dwellings, their furniture, their deplorable food mark their distress."⁹ According to M. Kovalewsky the royal imposts and manorial dues exceeded the revenue of the land, which as a result went out of cultivation.¹⁰ Indigence was terribly common.¹¹ And M. Champion concludes that "feudal barbarity maintains the population and agriculture in a mortal torpor."

But such a sombre picture as that of M. Karéiew is not all true; nor, so far as it stands against criticism, does it prove that the peasant was impelled toward revolution by an accumulating weight of miseries. This much may be said: to us in the light of our higher standards of living, to him in the light of his aspirations, the peasant's condition

¹ Karéiew, p. 218.² *Ibid.*, p. 219.³ *Ibid.*, pp. 221 and 533.⁴ *Ibid.*, pp. 224, 225.⁵ *Ibid.*, pp. 226, 228.⁶ *Ibid.*, p. 533.⁷ Sagnac, p. 62.⁸ *Révolution française*, XLVII, 36.⁹ *Revue historique*, LXXXVI, 384.¹⁰ *Revue internationale de sociologie*, IX, 505.¹¹ *Ibid.*, XIII, 729.

was unsatisfactory, sometimes even wretched. This remains true even after we have learned from Mr. Willert¹ and M. Sée² that the land did not fall out of cultivation; that famines were due rather to forestalling than to the failure of crops; that if the *cahiers* complain of mendicity, they also complain of the scarcity and dearness of labor, and that, though treated so reverently by MM. Karéiew, Kovalewsky and Champion, they are not without some of the ordinary frailties of historical documents.³ But in Mr. Willert's opinion it is not true that the condition of the peasant was worse under Louis XVI than under Louis XIV or Louis XV.⁴ As Seeley put it, a population that rebels is a population that is looking up. In the evolution towards full liberty serfdom had been left behind; and the more clearly full liberty came before his view, the more did the French peasant resent the restrictions which remained. This was the view of de Tocqueville, which M. Champion calls "ingenious." It is the view also of MM. Loutchisky,⁵ Jaurès⁵ and Sagnac. The land system, says M. Sagnac,

is all the more odious and intolerable since the peasant is very often proprietor, recognized as such by the jurisprudence of the eighteenth century, and since the dues which are exacted from him seem obligations without cause; since, finally, he is, by law, independent of the lord in all that concerns the administration of the community of inhabitants. He is proprietor, free citizen of the commune, and yet he feels himself more than ever depressed . . . The desire to free himself became more violent and more irritating as comforts and enlightenment grew.⁶

In France the peasant resented an occasional *corvée*; in Hungary or Poland he submitted dumbly to the rigors of mediæval serfdom. There is at least one good reason why Joseph II failed to accomplish in his dominions those reforms which succeeded in France, and why Poland did not respond to the call of Kosciusko.

III. THE ABOLITION OF THE MANORIAL SYSTEM

Though greatly modified, almost transformed, the manorial system still prevailed in France; and, contrary to a popular impression, its extinction was by no means effected in a day. The "orgy" of August 4 and the decrees which followed it were merely the starting-point, the

¹ *English Historical Review*, XVI, 178-182. ² *Revue historique*, LXXXVI, 384.

³ Sée, in *Révolution française*, XLVII, 46; *Revue d'histoire moderne*, VI, 316; *English Historical Review*, XVI, 178-182.

⁴ *English Historical Review*, XVI, 178-182.

⁵ *Révolution française*, XLIX, 407.

⁶ *La Législation civile*, pp. 77, 84.

beginning of a reform which occupied three different assemblies and found expression in a great number of decrees. And, further, we must not allow the dramatic events of that night to obscure the realities behind them.

It was once the fashion to place an aureole about those liberal nobles who then sacrificed their rights. The phrases which Louis Blanc uses¹ are "sacred intoxication," "fever of generosity," "delirium of abnegation." Carlyle² speaks of the deputies going home with their sublime heads striking the stars. But in the light of close examination the aureole fades away. It was expediency, far more than devotion to principles of justice and equality, that moved the Constituent Assembly to the sacrifice. The peasants were in a state of insurrection; the Assembly held out to them an olive branch.

When the parish *cahiers* were drawn up and the elections to the States-General held, the peasants had everywhere demanded freedom from feudal burdens.³ The assembly ignored these demands. For the country districts had not received their due weight in representation, and the *cahiers*, as finally revised, had not given due attention to their complaints. The men who went to Versailles nominally represented the country as well as the towns; really they were bourgeois in sympathies as well as station.⁴ That is why the Assembly, from which the peasants expected so many economic reforms, concerned itself with the Rights of Man instead.⁵ It proceeded to draft a constitution, to lay down principles of liberty whose value the peasant could understand but dimly. In a word, from his point of view the Assembly had failed; and since it did not liberate him, he set about liberating himself. That is the meaning of the *Jacquerie*,⁶ the burning of the manor rolls and even of the manor houses, which began in the summer of 1789. It was like the Peasant Revolt of 1381 in England. It was not promoted by personal hatred against the lord⁷ or by a mere spirit of vandalism; the chief object was the destruction of the charters, the records of hated rights. The disturbances became general. "It was," says M. Jaurès,⁸ "the violent abolition of the whole feudal system. It was the great

¹ Histoire de la Révolution, II, 486.

² Fletcher's ed., I, 275.

³ Sagnac, pp. 77, 78; Kovalevsky, *Revue internationale de sociologie*, IX, 489.

⁴ "Almost the whole constituent body was composed of men chosen from the towns . . . and the country was forgotten . . . No one spoke for it." Sagnac and Caron, p. 280. Cf. Sagnac, p. 120.

⁵ Sagnac, p. 85; Karéiew, pp. 445, 540.

⁶ As to its connection with the taking of the Bastille, see Histoire socialiste, I, 271; Sagnac, p. 86; Karéiew, pp. 439, 444.

⁷ Histoire socialiste, I, 278; Karéiew, p. 443.

⁸ Histoire socialiste, I, 278.

peasant revolution accomplishing itself outside of legal forms and of the will of the legislator."

This general brigandage and violence was the subject of a report read to the Assembly on the evening of August 3. The debate which then took place made the situation clear to every one.¹ The Assembly, deeply impressed with its formidable nature, refused to assent to Salomon's motion for repressive measures.

This debate illuminates that of the next evening. It brought the deputies face to face with an unpleasant situation. The manorial system had been overturned by the peasantry; and since the Constituent was unwilling to try the dangerous work of repression, it must in some measure accept the accomplished fact.² D'Aiguillon and de Noailles probably saw the advantage of anticipating the action which the Assembly would be forced to take.³ The generosity of the act would not only calm the peasantry, but bring popularity; and the timely sacrifice of part of their rights might prevent the loss of all.⁴ "Theirs was a plan premeditated and executed with deliberation," says M. Jaurès.

The first proposal of the sacrifice came from de Noailles.⁵ The object of the Assembly, he said, was to put an end to the violence in the provinces, to discover its cause and apply the remedy. That remedy was not a constitution, which had been demanded only in the *bailliages*; it was the abolition of manorial rights. He therefore moved that mortmain and other personal servitudes should be abolished outright and that the rest should be abolished by means of redemption.

D'Aiguillon seemed to rise above mere arguments of expediency. He talked of philosophy, enlightenment, public happiness, the sacrifice of personal interests. But though he alluded to the manorial rights as "barbarous relics," though he excused the peasants for attempting "to shake off at last the yoke which, for so many centuries, has weighed upon their necks," he did not forget to guard the interests of his own class. "These rights, it cannot be denied, are a property, and all property is sacred. . . . Equity forbids exacting the abandonment of any property without according a just indemnity to the proprietor." The resolution which he offered was less favorable to the peasants than that of de Noailles :

The National Assembly, considering that the feudal rights are a kind of

¹ Buchez and Roux, *Histoire parlementaire*, II, 211.

² Sagnac, p. 87.

³ Karéïew, p. 449.

⁴ *Histoire socialiste*, p. 253; Doniol, *La Révolution française et la féodalité*, p. 56.

⁵ For the debate see *Moniteur*, 33 and 34; Buchez and Roux, II, 224.

onerous tribute which injures agriculture and desolates the country, yet not being able to conceal that the rights are a veritable property and that all property is inviolable, resolves that these rights shall in future be redeemable at the will of those who are subject to rents.¹

He suggested thirty years' purchase. However just, from the point of view of the *seigneur*, d'Aiguillon's resolution may be considered, it did not square well with his generous professions. He went the whole length in denouncing manorial rights; he expressed every sympathy for the peasants. But what was the significance of the resolution? M. Jaurès maintains² that at thirty years' purchase the peasants would have found redemption impossible. Supposing the annual value of the charges to be 120,000,000 francs, the peasants would have had to find 3,600,000,000 francs. And the last two harvests had failed!

Whatever were the motives of d'Aiguillon and whatever was the practical meaning of his resolution, he seemed to be animated by generous sentiments. There was fire too in the rude eloquence of Leguen de Kerengal.³ In scenes of wild excitement, with applause and even tears, proposals came from all sides. Everybody tried to propose the abolition of something. "Each order, taken separately," is Karéïew's cynical comment, "found means to satisfy its prejudice against the other in proposing the abolition of what it did not itself enjoy at all."⁴ Involved in a common fate were the ecclesiastical tithe, manorial justice, pecuniary exemptions, town privileges and much else. Carlyle calls it a new night of Pentecost, shaped according to the new time and the new religion of Jean Jacques Rousseau.

A few days later the decree appeared—the famous August decree.⁵ It has been compared to a spider's web intended to check an impetuous torrent.⁶ It dealt satisfactorily with hunting rights, dovecotes, rabbit warrens. It abolished manorial justice. But the first article was to raise much difficulty and discontent.

The National Assembly entirely destroys the feudal system. It decrees that among rights and duties, feudal as well as *censuel*, those which are attached to real or personal mortmain or personal servitude, and those which represent them, are abolished without indemnity; all the others are declared redeemable, and the price and the mode of redemption will be fixed by the National Assembly. Those said rights which are not sup-

¹ Buchez and Roux, II, 227, 228.

² Histoire socialiste, I, 292.

³ Buchez and Roux, II, 229.

⁴ Karéïew, p. 540; see also p. 452.

⁵ Sagnac and Caron, pp. 1, 2; Buchez and Roux, II, 259–263.

⁶ Taine, II, 205.

pressed by this decree will continue, nevertheless, to be levied up to the time of redemption.

This article laid down a principle which was followed in later legislation. It recognized two classes of manorial rights, those which were redeemable and those which were to be abolished without indemnity. But this arrangement the peasants refused to accept. They appealed to the first clause of the article: "The National Assembly entirely destroys the feudal system." They found the subsequent provisions inconsistent with that declaration.¹ And it was indeed anomalous that the servile tenants, differing so slightly from the free tenants, should receive full proprietorship, while the latter continued to pay their dues.² The application of the principle of redemption to the great body of manorial charges was not immediate and total abolition. Redemption was no great boon to the peasant who was too poor to profit by it; nor was it likely to be fixed at a figure that would satisfy the richer peasant. So they took the opening clause in its literal sense and regarded themselves as entirely freed from the old bonds.³ The documents in MM. Sagnac and Caron's volume give interesting evidence of the temper which prevailed throughout the country.

All the peasants refuse to pay the rents. They gather in crowds, they make combinations, . . . proposing that no one shall pay rent, and that if any one proceed to do so, he shall be hanged. . . . The manor houses and all they contain have been pillaged or set on fire; almost everywhere the archives have been burned; those lords who have been the least rigorously treated have been forced to make absolute renunciation of all their rights and rents.⁴

On the other hand the seigniorial party did what it could to retard the elaboration of the decrees and to modify them in a reactionary sense.⁵ As for the king, he declared that "there would be in France neither monarchy nor monarch" when he should be obliged to give his assent;⁶ and it was only after the October days that his resistance broke down. It then remained to give the August decree, a mere declaration of principle, the proper legal form; to accommodate it exactly to the many strange varieties and anomalies of the manorial system. This work was

¹ *Histoire socialiste*, I, 290; Sagnac, p. 91.

² Viollet, in *Cambridge Modern History*, VIII, 716.

³ *Histoire socialiste*, I, 290. Karéiew, p. 47; Sagnac, p. 91.

⁴ Sagnac and Caron, pp. 160, 161; see also p. 159.

⁵ *Moniteur*, 35, 36, 37; Karéiew, pp. 452, 474.

⁶ Buchez and Roux, II, 248.

entrusted to a "feudal committee,"¹ whose members were for the most part lawyers.² The difficulty of their task and the energy with which they applied themselves to it are to be gathered from the numerous decrees published in the *Archives parlementaires*. The most important are those of March 15 and May 3, 1790. The former classified the manorial rights in two categories;³ the latter established the mode of redemption.⁴ Writers of today are not inclined to regard them with a kindly eye.

The March decree made the classification of rights depend on their supposed origin. A distinction was drawn between those which were of contractual origin and those which were not. Those rights were declared redeemable "which are the price and condition of a primitive concession of land," that is, of a contract.⁵ Included among these redeemable rights were fixed charges such as *champart* and casual charges such as *lods et ventes*. Those rights were suppressed without indemnity which sprang from the sovereign power of the lord or from personal servitude.⁶ As if, says Doniol,⁷ to prove the fulfilment of the promises of August, there follows in thirty-nine articles a minute enumeration of the sacrificed rights—mortmain, justice, *banalités*, prohibition of selling or transmitting property, *etc.* As M. Sagnac has shown,⁸ the committee was guilty of many inconsistencies in classifying particular rights; but the real difficulty was in the basis of their classification, which was chimerical.⁹ In completing their theory of feudalism, the lawyers had introduced into ancient institutions whose origin was unknown or obscure and whose history was one of slow elaboration and transformation, a fictitious regularity. The multiform manorial rights were regarded as either real or personal. If personal, *i. e.*, affecting persons directly, they had been originally usurped and, though legitimate while the lord provided security and work for the peasant, were now unjust and oppressive. The real rights, on the other hand, affected persons only through the land and were the price of an original concession of land. They depended upon a legitimate contract.¹⁰ Such was the juridical theory. It was far from according with the complex and disordered reality. The decree bears upon its face the mark of reaction. Where personal rights were in question, they must be redeemed if the lord

¹ Sagnac, p. 97.

² Karéiew, p. 457.

³ Archives parlementaires, XII, 172-177; Sagnac and Caron, pp. 173-182.

⁴ Archives parlementaires, XV, 364-368.

⁵ Titre iii, art. 1.

⁶ Titre ii, art. 1.

⁷ La Révolution française et la féodalité, p. 72.

⁸ Législation civile, p. 99.

⁹ *Ibid.*, p. 98.

¹⁰ *Ibid.*, pp. 136-138 and 97.

could give proof of contractual origin. But he was under no obligation to prove the origin of real rights; the decree assumed their legitimacy in the absence of proof to the contrary.¹ As if, exclaims M. Sagnac,² the debtor must prove that he does not owe, prove the non-existence of an obligation.

The same reactionary spirit informs the May decree. It fixed redemption at twenty years' purchase in the case of money dues, at twenty-five years' purchase in the case of dues in kind,³ and at a fraction of the payment, varying according to circumstances, in the case of casual dues.⁴ So far the peasants had little ground for complaint.⁵ Their grievance lay in two serious restrictions placed upon them. Redemption must be: (1) *en bloc*, covering casual and fixed charges at the same time;⁶ (2) joint, where services were performed or payments made by a group of tenants jointly.⁷ These provisions were received with real or feigned consternation.⁸

At the moment when they flattered themselves that their chains were falling, the people already blessed the noble courage of their liberators. What were their terror and grief when they felt that their fetters were becoming indissoluble, that the means of escaping the frightful yoke of injustice . . . were impracticable.⁹ . . . If the National Assembly [the citizens of Loumarin declared] does not permit us to redeem the fixed charges separately from the casual, the people subject to this terrible system will still be dead to liberty a thousand years from now.¹⁰

The injustice of the first restriction was due to the fact that many holdings, descending from father to son, would never be alienated and thus never subjected to mutation fines. Moreover it made too large a demand on the peasant's resources. It must be borne in mind that the last two harvests had failed and that arrears had to be settled at the time of redemption.¹¹ "Here then was liberation closed . . . to every *censitaire* not in comfortable circumstances."¹² Pending redemption, it is true, the legal theory regarded the land dues as no longer manorial in character. But theories did not make any difference to the peasant.

¹ Decree of March 15, titre iii, art. 2; Karéiew, p. 468. For a striking criticism see Sagnac and Caron, pp. 270-275 and 313.

² Sagnac, p. 104.

³ Archives parlementaires, XV, 365. ⁴ *Ibid.*, p. 366. ⁵ Sagnac, pp. 119, 120.

⁶ Decree of May 3, art. 3.

⁷ *Ibid.*, art. 4.

⁸ Sagnac and Caron, p. 126; *ibid.*, pp. 255, 263, 267, 290.

⁹ *Ibid.*, p. 286.

¹⁰ *Ibid.*, p. 280.

¹¹ Decree of May 3, art. 22; Sagnac, p. 118.

¹² Doniol, p. 81.

“Singular reforms, truly,” says M. Sagnac. “The jurists have suppressed or modified only words.”¹

In fact the Constituent Assembly, beginning with the promise to destroy the manorial system utterly, seemed to proceed in quite another way. It was hampered by the determination to protect legitimate property rights which were inextricably commingled with manorial rights. It pushed its generosity so far as to allow redemption; then it weighted redemption with prohibitive conditions. “The deputies had sought to conciliate the most opposed interests, but they had not held the balances even. They had given much to the tenants, then taken everything back. They had succeeded only in irritating the cultivators without contenting the landlords. Never did legislation unchain a greater indignation.”²

The March and May decrees no more ended the disorders in the country than did the August decree of the previous year. To the peasants they might well seem part of a counter-revolution.³ “An experience of two years proved to us that we were still slaves,” we read in one of the documents published by Sagnac and Caron (page 295). The manorial lords, their spirits restored, endeavored to exact even those rights which had been suppressed without indemnity.⁴ The peasants, equally obstinate, refused to pay quit-rents, seized mills and wine presses, exterminated game.⁵ They set up what was practically, as M. Karéïew remarks,⁶ universal freehold. “If all citizens have the right of demanding justice and the protection of the laws,” says the lord of Treilles,⁷ “show me, I pray you, the means of obtaining them, the means of not being exposed incessantly to die of hunger and misery, or to meet a violent death in defending one’s property.” There was insurrection everywhere, less sudden, less terrible than in 1789, but more grave, more disquieting, because its better organization threatened to make anarchy permanent.⁸ A remarkable letter will be found in Sagnac and Caron’s collection of documents (pages 393–397), describing very much the same system of popular agitation as has become familiar to students of Irish history.

These were the conditions when, in October, 1791, the Legislative Assembly succeeded the Constituent. It found itself placed in the

¹ Sagnac, p. 126.

² *Ibid.*, pp. 120, 121.

³ *Ibid.*, p. 124.

⁴ “The lawyers, tools of the old system, have obscured the decrees.” Sagnac and Caron, p. 283. Cf. *ibid.*, pp. 292, 315; Sagnac, pp. 121, 122.

⁵ Karéïew, p. 487.

⁶ *Ibid.*, p. 502.

⁷ Sagnac and Caron, p. 283.

⁸ Sagnac, pp. 127–130; Sagnac and Caron, pp. 651, 652, 656, 661 *etc.*

midst of embarrassments, one of the chief of which was the danger of foreign war. Beyond the Rhine the *émigrés* were busy ; and the German princes, whose rights in the eastern provinces had been violated by the manorial legislation, were demanding satisfaction through the emperor. It was natural, therefore, that the new Assembly should wish to secure the loyalty of the peasants,¹ and that it should have little compunction in attacking the property rights of an aristocracy which was trying to enlist European sovereigns in a war against the Revolution.² The Constituent had wished merely to restore order in the country ; the Legislative needed the active support of the peasants.³

That support it sought to enlist by brutally overturning the arrangement of 1790. It sanctioned a system of spoliation. In theory it retained the principle of categories and merely corrected a misconception of its predecessor. The Constituent, following the prevalent juristic view that rights attached to the land were contractual, had placed these in the category of redeemable rights and had left with the peasant the burden of proving that they did not rest on contract. But this juristic view was as incapable of demonstration as Rousseau's social contract or the existence of the lost continent of Atlantis. As early as 1776 the economist Boncerf had attempted to show that feudal rights generally rested on violence and had proposed abolition without indemnity except in cases where contract could be proved.⁴ The same view was now put forward by Michallet in *Les Mystères des droits féodaux dévoilés*.⁵ The March decree of 1790 allowed the suppression of rights otherwise redeemable if it could be proved that they did not depend upon an original concession of lands. Such a proof, capable of general application, Boncerf and Michallet gave in their version of the origin of feudal rights. The essence of their view was expressed in spirited language in an address presented to the Feudal Committee by certain municipalities in Moselle :

Have the tyrants who have so long desolated and worn down the human race ever had any other title than force and despotism ? The past generations have been witness of the violence by which these changes have been established, and if they came forth from the grave, they would give the proofs of the feudal despotism of which they were the first victims. But we who know the tyrannical origin of these rights only by tradition, we have no other titles to prove their injustice than the history which our ancestors have transmitted to us.⁶

¹ Karéïew, p. 504.

² Sagnac, p. 152.

³ Karéïew, p. 541; Sagnac and Caron, p. 301.

⁴ Sagnac, p. 70.

⁵ Karéïew, pp. 498-501; Doniol, p. 106.

⁶ Sagnac and Caron, p. 316.

Here, then, was a basis on which the Legislative might decree outright suppression, while apparently safeguarding property rights and following the principle already laid down. The most important decree which it passed was that of August 25, 1792.¹ According to the second article of this decree landed property was to be free from all charges, "*if those who claim them cannot bring proof to the contrary.*" In other words, only those rights which were based on authentic documents should be redeemed; and, as such proof was in most cases altogether impossible, Doniol is justified in saying that the abolition was complete.² But though this was the case legally, in practice manorial rights persisted; and complaints of oppression reached the National Convention when it took the place of the Legislative Assembly.³ The temper of the Convention is well known. It was exhibited in the decree of July 17, 1793,⁴ which established the absolute freedom of property. Now not even the production of a primitive title could save seigniorial rights. The proprietor of the *domaine utile* and the proprietor of the *domaine direct* were henceforth one.

The work was finished. As this brief review has shown, the legislation did not proceed from any reasoned conviction, from any principles of justice. It had its source in considerations of expediency; in the desire of the Constituent to bring peace to the country; in the desire of the assemblies which succeeded it to secure the loyal support of the peasants. But for all that, it was, as M. Jaurès says, "the most radical revolution which had been seen in France for a thousand years."⁵ Spoliation it was—the most flagrant spoliation of the Revolution. Legitimate property rights, rents which were paid cheerfully in England, were involved with oppressive exactions in a common destruction. But the soil of France became the freest soil in Europe; a fresh impetus was given to the development of peasant proprietorship, so important to the stability of France; and, with the removal of the shadow of seigniorial power, the democratic spirit could expand untrammelled.

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¹ Sagnac and Caron, pp. 773-775; Archives parlementaires, XLVII, 698-701.

² Doniol, p. 144.

³ Sagnac and Caron, p. 777; Karéïew, p. 509.

⁴ Archives parlementaires, LIX, 98; Sagnac and Caron, pp. 775, 776.

⁵ Histoire socialiste, I, 153.